Eastleigh Borough Council

Town and Country Planning Act 1990 (as amended)

APPEAL by:
Mr S Taylor HGS Developments against the decision of Eastleigh Borough Council to refuse planning permission for the raising of roof and enlargement of existing bungalow, following subdivision of existing plot.

Appeal Reference: APP/W1715/A/12/2169473/NWF
Local Planning Authority Reference: F/11/69366
Appeal Site Address: 1 Charmwen Crescent, West End, Southampton. SO30 3AQ

Statement of Case of Local Planning Authority (Written Representation)

1.0 Application and reasons for refusal

1.1 The appeal application was received on 12th July 2011 by the Local Planning Authority (LPA) for the raising of roof and enlargement of existing bungalow, following subdivision of existing plot at 1 Charmwen Crescent, West End, Southampton. SO30 3AQ. The application was refused under delegated powers on the 6th September 2011. The application was refused for the following reasons:

1.2 i) The proposed development, by reason of its size, siting, design and layout would result in a visually dominant and cramped form of development resulting in the overdevelopment of the site and as such would be detrimental to the prevailing character, appearance and spacing of properties in the locality. The proposals are therefore contrary to saved Policy 59.BE of the Eastleigh Borough Local Plan Review 2001-2011.

1.3 (ii) The proposal does not make contributions towards the provision of community infrastructure, off-site public open space and essential sustainable transport works, the need for which will increase as a direct result of the proposed development. The proposals are therefore contrary to saved policies 101.T, 147.OS and 191.IN of Eastleigh Borough Local Plan Review 2001-2011, the adopted Supplementary Planning Documents on 'Planning Obligations' and the provisions of Government Circular 05/05 and PPG13: Transport.

2.0 The appeal site and its surroundings

2.1 The site comprises a detached bungalow with fully hipped roof set in a relatively large plot, with large side garden. The site is located at the junction of Charmwen Crescent and Sharon Road and the side garden performs the function of maintaining the building line along Sharon Road. Existing garage and parking area serving the site is to the rear of the plot off Sharon Road. The boundary treatment to the site comprises high hedging running along Sharon Rroad boundary and part front of the site with low level brick wall and gate. Along the side boundary to no. 3 Charmwen Crescent the boundary treatment comprises a close boarded and hedging. The property in question represents the last in as line of similar bungalows along Charmwen Crescent where the plot with and roof form in terms of ridge and eaves are fairly uniform.

2.2 The site is located within the urban edge and is bound by residential properties. It is located within a medium accessibility area and on a bus route, with relatively good pedestrian and cycle links to nearby facilities. Immediately north of the site is a public footpath which leads to Hatch Farm Grange public open space.

2.3 The character of the area is mixed in terms of built form comprising

detached and semi detached bungalows and two storey terraced housing located within medium sized plots relative to dwelling size with private gardens. Semi detached bungalows retain simple roof forms typically fully hipped with no dormer structures. Exceptions to this, such as nos. 21 and 23 Charmwen Crescent, stand out and detract from the street scene.

3.0 Planning History

3.1 Planning application F/11/68909 for Raising of roof & enlargement of existing bungalow & construction of 1no. Adjoining 3 bed chalet bungalow, following subdivision of existing plot withdrawn 4/7/2011.

Planning Policies

4.0 Eastleigh Borough Local Plan Review (2001-2011)

4.1 Policy 59.BE

4.2 Development proposals which are in accordance with the other policies in this plan will be permitted provided they meet all the following criteria (applicable sections):

4.3 i. They take full and proper account of the context of the site including the character and appearance of the locality or neighbourhood and are appropriate in mass, scale, materials, layout, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views, natural features and trees worth of retention.

v. they have a satisfactory means of access and layout for vehicles, cyclists and pedestrians including appropriate links to surrounding footpaths, cycle ways and public transport services;

vii. they are an appropriate use for the locality and avoid unduly interfering, disturbing or conflicting with adjoining or nearby uses, especially in terms of noise, fumes, dust, overlooking, loss of daylight, loss of outlook, vibration, or from floodlighting or security lighting;

4.4 Policy 101.T

4.5 Development which results in additional traffic on the local road network greater than the levels of growth permitted by the RTRA targets for the Borough of Eastleigh will:

i. only be permitted if the Council is satisfied that there is a proven need for the development in the location proposed and;

ii. be subject to the provision of contributions towards the implementation of the Local Transport Plan and/or other transport proposals set out in this local plan. Any such contributions will be set at a level appropriate to the scale and impact of the development.

4.6 Policy 147.OS

4.7 The Borough will require in connection with new residential developments, the minimum provision of 2.85ha of public open space per 1,000 population. In practice;
(applicable sections):
i) where the development involves the net increase of between 1 and 24 residential units, the Council will seek agreements for a contribution towards open space provision or towards improving equipment/facilities on sites in the locality;

4.8 Policy 191.IN

4.9 Appropriate proposals for development will be permitted provided that the developer has made arrangements for the provision of the infrastructure, services, facilities and amenities directly made necessary by the development or has made arrangements to contribute towards the early improvement of existing infrastructure, services, facilities and amenities, the need for which will increase as a direct result of the development proposed.

4.10 Character Area Appraisal Hedge End, West End and Botley Supplementary Planning Document adopted January 2008 provides an urban character area appraisal for this area.

5.0 Statement of Case

5.1 This statement of case is based on the information contained within Mr S Taylor HGS Developments Appeal Form.

6.0 Refusal Reason 1 – Visually dominant and cramped form of development

6.1 This reason relates to the built form of the structure as proposed and its impact in the street scene. A number of factors are shown to contribute to the proposed works appearing visually dominant and cramped, those being the size, siting, design and layout and these factors are considered to result in overdevelopment of the site.

6.2 There are a number of varying styles of built form in the locality, both single and two storey, both detached and semi detached bungalows. As such, the principleal of works to form additional floor to a bungalow in this location would not in principleal be unacceptable. Nevertheless the specifics of the site in question and the relationship to neighbouring sites are such that what is proposed in this instance would be harmful to the character and appearance of the locality and contrary to policy 59.BE of the Eastleigh Local Plan Review (2006).

6.3 In particular, the following are considered to be factors which would

result in the proposal representing overdevelopment and appearing as an incongruous and harmful addition in the street scene. Firstly, the appeal site is the end plot in a line of properties with similar sized plot frontages and corresponding footprint widths. The proposed development would in effect double the width of the building and the roof bulk. The roof as proposed would include four dormer windows, an elongated higher level ridge line running parallel to the road and higher than that of its neighbouring ridge lines at nos. 3 to 7 Charmwen Crescent and a gable end (rear elevation). All of these points would sit in contrast to the typical roof form of detached and semi detached bungalows in the locality, that being fully hipped, lower level ridge lines, with no dormer windows and in the case of nos. 3 to 7 Charmwen Crescent ridge lines running at right angles to the road, roof bulk therefore being less apparent as viewed from the street scene than the roof proposed at the appeal site. There are exceptions to this, such as nos. 21 to 23 Charmwen Crescent, however these are an example showing how this form of development does not sit well in its surroundings.

6.4 The proximity of the proposed development to no. 3 Charmwen Crescent exacerbates this issue by placing the two differing roof forms so close to each other, approximately 1.5m apart. The street scene 'View from Charmwen Crescent' Drawing no. 724-5 Rev A illustrates how the proposed development will sit in contrast with neighbouring development and does not take proper account of the context of the site as required by policy 59.BE of the Eastleigh Local Plan Review (2006).

6.5 The guidance contained within Character Area Appraisal Hedge End, West End and Botley Supplementary Planning Document adopted January 2008 Aarea 4 states that development should maintain plot widths, continuity in building line and maintain uniformity in building heights within each street. The additional unit would be sited within the side garden area of the appeal site. This currently provides a set back from Sharon Road and follows the building line of this road.

6.6 The footprint of the proposed new dwelling would be located approximately 2.7m from the centre of the hedge at its closest point, which appears to represent the sites boundary. The minimum set back for no 2. Charmwen Crescent and nos. 1 to 9 Sharon Road is 10m and this rises to a maximum of 15m. The proposed development will noticeably breach this building line and will sit in contrast therefore to the typical pattern of development in this area as a result. The roof form as proposed with dormer windows and gable end on the rear elevation will only serve to make the building more prominent in the street scene. The proposed development will therefore appear visually dominant in the street scene, will be contrary guidance for development set out in the Character Area Appraisal Hedge End, West End and Botley Supplementary Planning Document and will represent overdevelopment of the site.

6.7 The application is not refused on the grounds of the amount of private amenity space which was considered to comply with the adopted guidance at that time. That guidance has now been replaced with Quality Places SPD adopted 11/2011 which requires provision of private amenity space based on the 60% floor space rather than 80% of the footprint. Nevertheless the current guidance notes this requirement can be reduced where the site is within 100m of public open space and accessible by a safe and convenient route. In this instance, the site is within 100m of open space and it is considered reasonable that future occupants will readily benefit from this open space.

6.8 The appeal proposals will result in the existing garden area, the bulk of which is provided within the side garden, halved. The remaining plot size for each property is smaller than that typically found in Charmwen Crescent and is considered to represent an uncharacteristic form of development in this respect contrary to the policy 59.BE of the Eastleigh Borough Local Plan Review (2006).

6.9 For the reasons noted above the proposed development is therefore considered to be visually intrusive, cramped within its plot and representing a form of overdevelopment contrary to policy 59.BE of the Eastleigh Borough local Plan Review (2006).

7.0 Refusal Reason 2 – Contributions towards the provision of community infrastructure, off site public open space and essential sustainable transport works.

7.1 In accordance with adopted Local Plan policies and the Council's adopted Supplementary Planning Document: Planning Obligations, the Local Planning Authority can require developers to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990, for the making of financial contributions towards the provision of social and recreational facilities (community infrastructure), off-site public open space works and road traffic reduction (sustainable transport) measures in the local area.

7.2 The appellants were made aware of the required level of contributions in respect of these proposals during the consideration of the application, but the obligations were not secured. As such, the Council considers the proposals to be contrary to Policies 101.T, 147.OS and 191.IN of the adopted local plan, guidance within its Supplementary Planning Document: Planning Obligations and the guidance contained within Circular 05/05. As a result of the Planning Obligations SPD proceeding to adoption in July 2008 (after the submission of the application) the required contributions have changed.

7.3 A draft Unilateral undertaking was not submitted with the application and following the refusal of the application was not progressed. If a completed agreement can be provided the local planning authority will

withdraw the second reason for refusal. The appeal statement states at paragraph 4 (i) that a Unilateral Undertaking is attached to the statement however no such legal agreement can be found within the papers sent to the Local Planning Authority. Furthermore the Unilateral Undertaking in respect of the previously withdrawn application for this site can not be used in respect of this appeal as it refers to a different application.

7.4 Details of the required level of contributions in respect of the proposed development are appended to this statement. Following an extended period of research, the SPD underwent full consultation in accordance with the Council's Statement of Community Involvement and was approved by Cabinet, who also considered the background paper containing the results of research. It is a statutory document for which the appropriate weight should be given. It is the Council's view, that it is not appropriate to require a Section 106 agreement by condition.

7.5 If the Inspector is minded to accept the principle of the development and agrees that contributions towards local infrastructure are required, the Council respectfully requests that the Inspector dismisses the appeal on the grounds of failure to provide the necessary contribution and the resultant conflict with adopted policy and guidance.

8.0 Representations

8.1 During the application process the Local Planning Authority received 1 written representations from members of the public as follows:

8.2 Type: Observation
Comment: I am commenting on behalf of my mother, Mrs P E Thompson who lives at 39, Barnsland, West End. I am surprised that the only rear access to the property immediately adjacent to No 3 Charmwen Crescent is in fact from a Private Track. As it is private then the owners could legitimately block off that means of access at a later date, meaning that the property would no longer have a rear access. As the proposal includes for a bike store at the rear of the property, and also the foul sewer passes to the rear it means that any future access to these would be impossible without passing through the new property? I would have thought that access to the front AND rear of the property has to be from a public highway, or at least the new owner would have to acquire a right of way over the private track? There is no indication in the application that this would be required.

9.0 Conclusion

9.1 The LPA are of the opinion that the refusal of this application is justified for the reasons set out and amplified in this statement. The Inspector is respectfully requested to dismiss this appeal.

Schedule of Documents (Appendices)

Appendix 1 – Suggested Planning Conditions

Appendix 2 – Supplementary Statement:
The Council's Approach to Developer Contributions

Appendix 3 - Character Area Appraisal Hedge End, West End and Botley
Supplementary Planning Document adopted January 2008
Relevant Extract

Appendix 4 – West End – Community Investment Programme Priorities 2012 –15